

REMARKS

The allowance of claims 10-18 is noted with appreciation as is the indication of allowability of claims 1-4 and 7-9. Inasmuch as the antecedent issue in claim 1 is resolved with the foregoing amendment, the rejection of claims 1-4 and 7-12 is now deemed to be overcome. Claims 1-4 and 7-9 should thus stand allowed.

The rejection of claims 19 and 20 as being unpatentable over the newly cited Blazic et al. patent in view of the newly cited DE '660 document under 35 USC §103(a) is traversed, and reconsideration is respectfully requested.

The amendment to claim 19 should be entered as it raises no new issues inasmuch as similar language is found in allowed claims 10, 11 and 14, as well as in allowable claim 1. Thus, the claim 19 amendment requires no further consideration or new search.

The newly cited prior art does not teach or suggest the subject matter of amended claim 19 and, for that matter, the previous version of that claim.

The Blazic et al. patent merely discloses a telescoping cup holder 10, that can be shifted from a sunk resting position to an extracted use position. A stationary container holder is provided in half of the cup holder housing, and an ashtray can be inserted into the other half and be removed manually. The ashtray insert is coverable by a sliding part at the top. An opening is provided on the sliding part for insertion of a container. The sliding part is shiftable from a first position above the ashtray insert into a second position above the

stationary cup holder and vice versa. This is far afield from the arrangement of claim 19.

The DE '666 document discloses an ashtray or similar container for vehicles having a receptacle housing 1 and an insert 3 supported thereby so that the insert can be raised by the force of a spring into an easy-to-grip removal position after loosening a lock. Included in the lifting kinematics are an operating button, a spring-loaded rocker and a sliding part with an inclined face plus a corresponding inclined face on the insert. By pushing the operating button down, the rocker pivots about the fulcrum, entraining the sliding part that is hinge-connected at 16, thereby releasing the stop 14. The inclined face 21 of the sliding part 12 comes in contact with the inclined face 23 of the insert, pressing the latter upward into the easy-to-grip removal position with addition support by the springs 9.

Even if it is assumed, for argument's sake, that the teachings on these documents would have been combinable without the exercise of impermissible hindsight, the resulting combination would not have been one in which a pivot lever is rotatably mounted on the housing and is in operative connection with the transfer element such that an end area comes into contact with the bottom side of the receptacle.

Accordingly, allowance of claims 19 and 20 is earnestly solicited as early as possible.

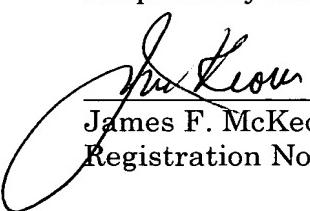
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If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 028987.52385US).

Respectfully submitted,

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